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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/309,279	05/11/99	TAKAHASHI	T PM-260504-97

MMC2/1011
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EXAMINER

LEE, Y

ART UNIT	PAPER NUMBER
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2875

DATE MAILED: 10/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/309,279

Applicant(s)

TAKAHASHI ET AL.

Examiner

QUACH

Group Art Unit

2875

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three(3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 5/11/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 to 18 is/are pending in the application.
Of the above claim(s) 4 to 6 and 8 to 18 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 to 3 and 7 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Response to the election of species

1. Applicant's election of species 1, figures 1 to 6, claims 1 to 3 and 7 in Paper No. 5 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the election of species requirement, the election has been treated as an election **without** traverse. Claims 4 to 6 and 8 to 18 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b) as being drawn to a non-elected species.

Claim Rejections - 35 USC § 112

2. Claims 1 to 3 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 to 3, there is no proper cooperation between the transparent body, the semitransparent body and the diffusion layer in claims 1 to 3. For instance, claim 1 recites a transparent body, a diffusion layer formed between and joint to the transparent body and a semitransparent body, while claim 2 recites **two or more** transparent bodies and the semitransparent body interposed between the transparent bodies, and while claim 3 recites **three or more** transparent bodies, **two or more layers** of semitransparent bodies interposed between the transparent bodies and **three or more** diffusion layers

In claims 2 and 3, it is not clear how are the transparent bodies, the semitransparent body or bodies and the diffusion layers situated with respect to one another and with respect to claim 1 such that there is a functioning apparatus?

Claim 7 depends on rejected claim 1 and as such is also rejected.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 to 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Partridge.

Partridge discloses two layers of transparent bodies (1, 3), each of the transparent bodies made of a transparent synthetic resin layer containing no light scattering material, a semitransparent body (2) made of a semitransparent synthetic resin layer containing a light scattering material and interposed between the transparent bodies, a diffusion layer composed of a multiplicity of irregular shapes (4 to 6) formed between the transparent body and the semitransparent body and joined to the transparent body and the semitransparent body defining a planar light emitter, and a light source (column 3, line 26) disposed at least at one side of the planar light emitter. However, Partridge does not specifically disclose that the diffusion layer having a sea-islands structure, three or more layers of transparent bodies, two or more semitransparent bodies and three or more diffusion layers.

Note that having the diffusion layer having a sea-islands structure and the exact numbers of layers of transparent bodies, semitransparent bodies and diffusion layers would have been an obvious matter of design choice which provides no unusual, unobvious and/or unexpected result and is therefore deemed to fall within a purview of an ordinary engineering design technique to have the diffusion layer in any desired arrangement and the numbers of layers of transparent bodies, semitransparent bodies and diffusion layers for there intended purposes.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Partridge in view of Schoniger.

Partridge discloses the invention substantially as claimed with the exception of having the light source comprised of an LED.

Schoniger teaches an LED disposed at one side of a planar light emitter for edge lighting the planar emitter.

It would have been obvious to one skilled in the art to provide the light source of Partridge an LED, as shown by Schoniger, for not only edge lighting the planar emitter but also for having low power and heat consumption.

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Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sada is cited to show other pertinent display planar light emitting device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Quach Lee whose telephone number is (703) 308-1939. The examiner can normally be reached on Tuesday and Thursday from 8:30 am to 4:30 pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Y. Q.
October 5, 2000



Y. Quach Lee
Patent Examiner
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